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JAN 18 2011

PCT LEGAL ADMINISTRATION

In re Application of  
LAURE, Stefan :  
Application No.: 10/586,009 :  
PCT No.: PCT/DE2005/000047 :  
Int. Filing Date: 14 January 2005 :  
Priority Date: 15 January 2004 :  
Attorney's Docket No.: 14430 :  
For: PLASMA TREATMENT OF LARGE-SCALE  
COMPONENTS :

DECISION

This decision is in response to applicant's renewed petition under 37 CFR 1.137(b) filed 19 November 2010 in the United States Patent and Trademark Office (USPTO).

**BACKGROUND**

On 14 January 2005, applicant filed international application PCT/DE2005/000047, which designated the U.S. and claimed a priority date of 15 January 2004. A copy of the international application was communicated to the USPTO from the International Bureau on 28 July 2005. The thirty-month period for paying the basic national fee in the United States expired at midnight on 17 July 2006 (15 July 2006 being a Saturday).

On 12 July 2006, applicant filed a submission for entry into the national stage in the United States which included, *inter alia*, the U.S. Basic National Fee and a declaration of the inventor.

On 02 November 2007 , the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of the inventor in compliance with 37 CFR 1.497(a)-(b) was required because the declaration filed 12 July 2006 failed to identify the citizenship of the inventor. The NOTIFICATION set a two-month extendable period for response.

On 18 June 2008, the DO/EO/US mailed a NOTIFICATION OF ABANDONMENT (PCT/DO/EO/909) indicating that the application was abandoned as to the United States of America for failure to respond to the NOTIFICATION OF MISSING REQUIREMENTS mailed 02 November 2007 within the time period set therein.

On 30 December 2008, applicant filed a petition under 37 CFR 1.137(b) which was accompanied by, *inter alia*, a declaration of the inventor.

On 12 October 2010, a decision was mailed dismissing without prejudice applicant's petition under 37 CFR 1.137(b) because the declaration of the inventor filed 30 December 2008 was not proper.

On 19 November 2010, applicant filed the instant renewed petition under 37 CFR 1.137(b) which was accompanied by, *inter alia*, a declaration of the inventor.

### **DISCUSSION**

A petition to revive the present application under 37 CFR 1.137(b) must include:

- (1) The required reply;
- (2) The petition fee;
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional.

As to item (1), the declaration of the inventor filed 19 November 2010 is sufficient..

As to item (2), applicant submitted the petition fee on 30 December 2008.

As to item (3), the required statement has been provided.

#### **Declaration of the Inventor**

The declaration of the inventor filed 19 November 2010 is in compliance with 37 CFR 1.497(a)-(b).

### **CONCLUSION**

The petition under 37 CFR 1.137(b) is **GRANTED** for the reasons set forth above.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application.

/Daniel Stemmer/

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